

1	UNITED STATES DISTRICT COURT	
2	DISTRICT OF NEVADA	
3	MAJOR E. LEAGUE,	Case No. 2:21-cv-00239-GMN-NJK
4	Plaintiff	ORDER
5	v.	
6	NV DEPT. OF CORRECTIONS,	
7	Defendant	
8		

9 **I. DISCUSSION**

10 On February 12, 2021, Plaintiff, an inmate in the custody of the Nevada Department of
 11 Corrections (“NDOC”), submitted a document titled “Emergency Injunction.” Docket No. 1-1.
 12 Plaintiff has not filed a complaint or an application to proceed *in forma pauperis* in this matter.

13 Under Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a
 14 complaint with the court.” Fed. R. Civ. P. 3. As such, the Court grants Plaintiff until **April 19,
 15 2021** to submit a complaint to this Court.

16 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil
 17 action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without
 18 prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit
 19 all three of the following documents to the Court:

- 20 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court’s
 approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),
- 21 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
 (i.e. page 4 of this Court’s approved form), and
- 22 (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous
 six-month period**.

23 The Court will grant Plaintiff a **one-time** opportunity to file a complaint and a fully
 24 complete application to proceed *in forma pauperis* containing all three of the required documents,
 25 or in the alternative, pay the full \$402 filing fee for this action on or before **April 19, 2021**. Absent

1 unusual circumstances, the Court will not grant any further extensions of time. If Plaintiff is unable
2 to file a complaint and a fully complete application to proceed *in forma pauperis* with all three
3 required documents or pay the full \$402 filing fee on or before **April 19, 2021**, this case will be
4 subject to dismissal without prejudice for Plaintiff to file a new case with the Court when Plaintiff
5 is able to file a complaint and able to acquire all three of the documents needed to file a fully
6 complete application to proceed *in forma pauperis* or pay the full \$402 filing fee.

7 A dismissal without prejudice means Plaintiff does not give up the right to refile the case
8 with the Court, under a new case number, when Plaintiff is able to file a complaint and has all
9 three documents needed to submit with an application to proceed *in forma pauperis*. Alternatively,
10 Plaintiff may choose not to file an application to proceed *in forma pauperis* and instead pay the
11 full filing fee of \$402 on or before **April 19, 2021** to proceed with this case.

12 **II. CONCLUSION**

13 For the foregoing reasons, IT IS ORDERED that Plaintiff will submit a complaint to this
14 Court on or before **April 19, 2021**.

15 IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the approved
16 form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The Clerk of the Court
17 will also send Plaintiff a copy of his Emergency Injunction. Docket No. 1-1.

18 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the approved
19 form application to proceed *in forma pauperis* by an inmate, as well as the document entitled
20 information and instructions for filing an *in forma pauperis* application.

21 IT IS FURTHER ORDERED that on or before **April 19, 2021**, Plaintiff will either pay the
22 full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52 administrative
23 fee) or file with the Court:

- 24 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this
25 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures
26 on page 3),
27 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
28 (i.e. page 4 of this Court's approved form), and

1 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**
2 **six-month period.**

3 IT IS FURTHER ORDERED that, if Plaintiff does not file a complaint and a fully complete
4 application to proceed *in forma pauperis* with all three documents or pay the full \$402 filing fee
5 for a civil action on or before **April 19, 2021**, this case will be subject to dismissal without
6 prejudice for Plaintiff to refile the case with the Court, under a new case number, when Plaintiff is
7 able to file a complaint and has all three documents needed to file a complete application to proceed
8 *in forma pauperis* or pays the full \$402 filing fee.

9 DATED: February 18, 2021

10 
11 NANCY J. KOPPE
12 UNITED STATES MAGISTRATE JUDGE

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